

**Subject:** Re: Coker v Goldberg: Rule 11 Notice

**Date:** Tuesday, August 3, 2021 at 4:10:00 PM Eastern Daylight Time

**From:** Brian Lehman

**To:** Penn Dodson, David Kasell

**CC:** Jessica Velez

Please submit whatever letter you would like on behalf of your client, we will review, and then respond.

Brian Lehman

---

**From:** Penn Dodson <penn@andersondodson.com>

**Sent:** Tuesday, August 3, 2021 3:12 PM

**To:** Brian Lehman <brian@fairlabordefense.com>; David Kasell <david.kasell@fairlabordefense.com>

**Cc:** Jessica Velez <admin@andersondodson.com>

**Subject:** Re: Coker v Goldberg: Rule 11 Notice

I am unclear: is your position that there should or should not be a conference?

---

**From:** Brian Lehman <brian@fairlabordefense.com>

**Date:** Tuesday, August 3, 2021 at 2:53 PM

**To:** Penn Dodson <penn@andersondodson.com>, David Kasell <david.kasell@fairlabordefense.com>

**Cc:** Jessica Velez <admin@andersondodson.com>

**Subject:** Re: Coker v Goldberg: Rule 11 Notice

We do not join and will respond as appropriate if you file the letter, as is your right.

Sincerely,  
Brian

---

**From:** Penn Dodson <penn@andersondodson.com>

**Sent:** Tuesday, August 3, 2021 2:24 PM

**To:** Brian Lehman <brian@fairlabordefense.com>; David Kasell <david.kasell@fairlabordefense.com>

**Cc:** Jessica Velez <admin@andersondodson.com>

**Subject:** Re: Coker v Goldberg: Rule 11 Notice

Let me know if you join in this request or if you have any proposed edits.

---

**From:** Brian Lehman <brian@fairlabordefense.com>  
**Date:** Tuesday, August 3, 2021 at 1:43 PM  
**To:** Penn Dodson <penn@andersondodson.com>, David Kasell <david.kasell@fairlabordefense.com>  
**Cc:** Jessica Velez <admin@andersondodson.com>  
**Subject:** Coker v Goldberg: Rule 11 Notice

Penn,

Could you let us know by the close of business tomorrow if you plan on filing a pre-motion letter with the Court after the 21-day period expires (on the assumption that we do not withdraw the motion to dismiss)?

The Individual Practices state:

A pre-motion conference with the Court is required before making any other motion, except where a litigant believes that delay in filing the motion might result in the loss of a right or where a litigant seeks to make a motion in a case involving an incarcerated pro se litigant, motion for admission pro hac vice, motion for reargument or reconsideration, or motion for temporary restraining order or preliminary injunction. To arrange a pre-motion conference, the moving party shall submit a letter, not to exceed three pages, setting forth the basis for the anticipated motion. The opposing party shall submit a letter, also not to exceed three pages, setting forth its position within three business days from the service of the moving party's letter. If a pre-motion conference is requested in connection with proposed motion to dismiss, the request will stay the deadline for the requesting party to move or answer, and a new deadline will be set at the conference.

[https://www.nysd.uscourts.gov/sites/default/files/practice\\_documents/ER%20Ramos%20Individual%20Practices%20updated%205-27-2020.pdf](https://www.nysd.uscourts.gov/sites/default/files/practice_documents/ER%20Ramos%20Individual%20Practices%20updated%205-27-2020.pdf)

Sincerely,  
Brian Lehman

## INDIVIDUAL PRACTICES OF JUDGE EDGARDO RAMOS

Courtroom Deputy Clerk, at (212) 805-4590, during regular business hours. E. Requests for Adjournments or Extensions of Time. All requests for

[www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)



August \_\_, 2021

Hon. Edgardo Ramos  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

VIA ECF ONLY

Re: *Coker v Goldberg & Associates P.C.* 1:21-cv-1803

Your Honor:

Jointly with counsel for Defendants, we seek the Court's guidance as to whether an additional pre-motion conference is warranted where there is an intersection of procedural rules potentially at odds with each other.

- Defendants submitted their motion to dismiss on July 30, 2021.
- Plaintiff issued Defendants a "safe harbor" notice on August 2, 2021.
- Plaintiff's response to Defendants' motion to dismiss is due August 13, 2021
- Defendants' 21 day deadline to withdraw their motion expires August 23, 2021
- Plaintiffs are permitted to file their proposed Rule 11 motion on August 24, 2021
- Defendants' reply regarding their motion to dismiss is due August 27, 2021

Plaintiff's position is that the proposed Rule 11 motion, if it is filed, is part of the motion to dismiss process and that no additional phone conference is necessary. However, if the court would prefer to speak with the parties in advance of the motion actually being filed (assuming the Defendants do not withdraw their motion to dismiss), we would propose that we have a phone conference on August 24 or 25 to discuss; we would hold off filing our Rule 11 motion until after that has occurred. If, however, the Defendants do withdraw their motion to dismiss by August 23, 2021, the need would be mooted and the phone conference could be cancelled. Thank you for your consideration of these matters.

Sincerely,

A handwritten signature in black ink that reads "Penn Dodson".

Penn Dodson, Esq.

[penn@andersondodson.com](mailto:penn@andersondodson.com)